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Hawkins
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PATENT
3460-0103P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Daun SINGH Conf.: 9922
Appl. No.: 09/832,216 Group: 2834
Filed: April 11, 2001 Examiner: D. LE
For: A DEVICE AND METHOD FOR GENERATING TORQUE
USING THERMAL ENERGY

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RESPONSE TO EXAMINER'S RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

August 20, 2002

Sir:

In response to the Examiner's Restriction Requirement dated July 29, 2002, the following election and remarks are respectfully submitted in connection with the above-identified application.

IN THE CLAIMS:

Applicant hereby elects Group I consisting of claims 1, 5-11 and 13 for initial examination in this application. This election is with traverse.

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-13 are currently being prosecuted. The Examiner is respectfully requested to reconsider his restriction requirement in view of the amendments and remarks as set forth hereinbelow.

ELECTION OF CLAIMS

The Examiner has set forth a restriction requirement with regard to claims 1-13.

The grouping of the claims is set forth as follows:

<u>GROUP</u>	<u>CLAIMS</u>	<u>CLASSIFICATION</u>
I	1, 5-11 and 13	Class 60, Subclass 527
II	2-4 and 12	Class 310, Subclass 306

In order to be responsive to the Examiner's restriction requirement, Applicant has elected claims 1, 5-11 and 13 (Group I) for initial examination. However, it is respectfully submitted that the restriction requirement is improper and no serious burden is presented to the Examiner to consider all of the claims in a single application.

In addition to the above reasons to consider all of the claims in a single application, as set forth in Section 803 of the MPEP, the Examiner must examine an application on the merits if the examination of the entire application can be made without serious burden. Two criteria are identified for proper requirement for restriction:

1. The inventions must be independent or distinct as claimed; and
2. There must be a serious burden on the Examiner if the restriction is not required.

Applicant respectfully submits that a serious burden has not been placed on the Examiner to consider all of the claims in a single application. A review of the subject matter set forth in claims 1-13 would include a review of both classes 60 and 310. Thus, a different field of search really does not exist with regard to the claims of the present application.

In order to be responsive to the Examiner's restriction requirement, claims 1, 5-11 and 13 have been initially elected. The Examiner is respectfully requested to reconsider his restriction requirement and act on all of the claims in the present application. If the Examiner does persist in his restriction requirement, Applicant reserves the right to file a divisional application directed to claims 2-4 and 12 at a later date if they so desire.

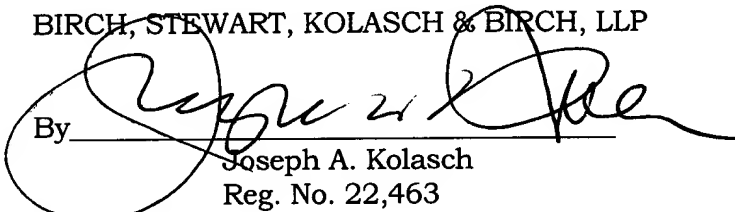
Favorable action on the present application is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



Joseph A. Kolasch

Reg. No. 22,463

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

JAK/clb



PATENT
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IN THE U.S. PATENT AND TRADEMARK OFFICE 2

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For: A DEVICE AND METHOD FOR GENERATING TORQUE USING
THERMAL ENERGY

SMALL ENTITY TRANSMITTAL FORM

Assistant Commissioner for Patents
Washington, DC 20231

August 20, 2002

Sir:

Transmitted herewith is a Reply to Restriction/Election Requirement in the above-identified application.

- ☒ Applicant claims small entity status under 37 C.F.R. § 1.27.
- ☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- ☐ Petition for () month(s) extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). \$0.00 for the extension of time.
- ☒ No fee is required.
- ☐ Check(s) in the amount of \$0.00 is(are) enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

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Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

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Attachments

(Rev. 09/27/01)